

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEBRA WORSHAM,) CASE NO. 1:06cv2285
Petitioner,) (Crim. Case No. 1:04cr009)
vs.) JUDGE JOHN R. ADAMS
UNITED STATES OF AMERICA,)
Respondent.) **MEMORANDUM OF
OPINION AND ORDER**
)

Petitioner Debra C. Worsham filed a pro se motion to vacate, set aside or correct her sentence under 28 U.S.C. § 2255. The Court referred the matter to the assigned Magistrate Judge for a Report and Recommendation, which was filed on May 12, 2008. Neither Petitioner nor Respondent has filed objections to the Report and Recommendation, which the Court has carefully reviewed, together with the Petition, Respondent's Opposition, and applicable law.

Petitioner pled in this Court to charges of bank fraud, and now challenges her sentence by raising a claim of ineffectiveness of both trial and appellate counsel. However, as set forth both in Respondent's Opposition as well as in the Report and Recommendation, Petitioner cannot make the requisite showing under *Strickland v. Washington*, 466 U.S. 668 (1984), either that counsel was not executing a legitimate strategy or that she was prejudiced by his alleged ineffectiveness. Furthermore, the Court finds that Petitioner's waiver of her right to appeal was knowing and voluntary, and followed a complete colloquy with the Court regarding her rights, thereby eliminating any claim that appellate counsel was ineffective.

For these reasons, and all other reasons set forth in the Magistrate Judge's Report and Recommendation, which the Court ADOPTS in whole, and for the reason that Petitioner has

offered no objection to that Report and Recommendation, the Court hereby DISMISSES the Petition.

IT IS SO ORDERED.

DATED: August 21, 2008

/s/ John R. Adams

Judge John R. Adams

UNITED STATES DISTRICT COURT